

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

UNITED STATES OF AMERICA ) CRIMINAL NO. 04-10010-PBS  
)  
) VIOULATION:  
V. ) 18 U.S.C. §2422(b)  
) Attempted Coercion and Enticement  
) 18 U.S.C. §2252(a)(2)  
MATTHEW DWINELLS ) Receipt of Child Pornography  
) 18 U.S.C. §2252(a)(4)(B)  
) Possession of Child Pornography  
)

FIRST SUPERSEDING INDICTMENT

COUNT ONE: 18 U.S.C. §2422(b) - Attempted Coercion and Enticement

The Grand Jury charges that:

Between on or about July 14, 2002, and September 8, 2002, at Lawrence, in the District of Massachusetts, and elsewhere,

MATTHEW DWINELLS,

defendant herein, attempted to use a facility of interstate commerce, to knowingly persuade, induce, entice and coerce an individual who had not attained the age of 18 years, that is, an individual known to the Defendant by the screen name "Couchchild," to engage in sexual activity for which any person could be charged with an offense, to wit: a violation of Massachusetts General Law, Chapter 265, Section 23, which makes it a crime to engage in sexual intercourse with a child under the age of 16, and Massachusetts General Law, Chapter 272, Section 35A, which makes it a crime to commit any unnatural and lascivious act with a child under the age of 16.

2422 (b) .

Count One: 18 U.S.C. § 2221(b) - Attempted Coercion and Enticement

The Grand Jury further charges that:

Between on or about September 27, 2002, and January 10, 2003, at Lawrence, in the District of Massachusetts, and elsewhere,

MATTHEW DWINELLS, defendant herein, attempted to use a facility of interstate commerce, to knowingly persuade, induce, entice and coerce any individual who had not attained the age of 18 years, that is, an individual known to the Defendant by the screen name "Ashley12988," to engage in sexual activity for which any person could be charged with an offense, to wit: a violation of Massachusetts General Law, Chapter 265, Section 23, which makes it a crime to engage in sexual intercourse with a child under the age of 16, and Massachusetts General Law, Chapter 272, Section 35A, which makes it a crime to commit any unnatural and lascivious act with a child under the age of 16.

All in violation of Title 18, United States Code, Section 2422(b).

~~CRIMINAL TRADE~~: 18 U.S.C. § 2221(e) - Attempted Coercion and  
Enticement

The Grand Jury further charges that:

Between on or about April 26, 2002, and March 19, 2003, at  
Lawrence, in the District of Massachusetts, and elsewhere,

MATTHEW DWINELLS,

defendant herein, attempted to use a facility of interstate  
commerce, to knowingly persuade, induce, entice and coerce any  
individual who had not attained the age of 18 years, that is, an  
individual known to the Defendant by the screen name  
"Maria011788," to engage in any sexual activity for which any  
person could be charged with an offense, to wit: a violation of  
Massachusetts General Law, Chapter 265, Section 23, which makes  
it a crime to engage in sexual intercourse with a child under the  
age of 16, and Massachusetts General Law, Chapter 272, Section  
35A, which makes it a crime to commit any unnatural and  
lascivious act with a child under the age of 16.

All in violation of Title 18, United States Code, Section  
2422(b).

18 U.S.C. § 2252 (a)(2) - Receipt of child pornography

The Grand Jury further charges that:

Between on or about April 21, 2001, and September 4, 2001,  
at Lawrence, in the District of Massachusetts, and elsewhere,

MATTHEW DWINELLS,

defendant herein, did knowingly receive visual depictions  
that had been mailed, shipped and transported in interstate or  
foreign commerce, by any means including by computer, the  
production of such visual depictions having involved the use of  
minors engaging in sexually explicit conduct, as defined in Title  
18, United States Code, Section 2256(2), and such depictions  
being of such conduct, that is, "!!!!!!\$.jpg", "10 hel-suc-  
s.mpeg", "zzzzzHel-1o30.jpg", "untitled99.jpg", "untitled998.jpg"  
and "07HELG~1.mpg".

All in violation of Title 18, United States Code, Section  
2252(a)(2).

COUNT FIVE: 18 U.S.C. §2252(a) (4) (B) - Possession of Child Pornography

The Grand Jury further charges that:

On or about March 19, 2003, at Lawrence, in the District of Massachusetts,

MATTHEW DWINELLS, defendant herein, did knowingly possess one or more matters containing visual depictions that had been mailed, and shipped and transported in interstate or foreign commerce and which were produced using materials that were shipped or transported in interstate and foreign commerce, the production of such visual depictions having involved the use of a minor engaging in sexually explicit conduct, as defined in Title 18, United States Code, Section 2256(2), and which visual depictions were of such conduct, that is, "ynggir1withcock4.jpg", "young%20bj1.jpg", "action0277.jpg", "metlara.jpg" and "mom\_son\_daughter fuck3 (2) (1).jpg".

All in violation of Title 18, United States Code, Section 2252(a) (4) (B).

~~DO NOT FILE~~

COUNTS ONE, TWO AND THREE:

The Grand Jury further finds with respect to the above Counts that:

1. The offense involved a violation of chapter 117 of Title 18, United States Code, but did not involve the commission of a sexual act or sexual contact.
2. A computer and internet access device was used to persuade, induce, entice and coerce the victim to engage in prohibited sexual conduct.

COUNT FOUR:

The Grand Jury further finds with respect to Count Two that:

1. The material involved a prepubescent minor and a minor under the age of 12 years.
2. A computer was used for the transmission of the material.

COUNT FIVE:

The Grand Jury further finds with respect to Count Three that:

1. The material involved a prepubescent minor and a minor under the age of twelve years.
2. Defendant's possession of the materials resulted from Defendant's use of a computer.

FORFEITURE ALLEGATIONS

18 U.S.C. § 2253(a) - Criminal Forfeiture

1. The allegations of Counts Four and Five of this Indictment are hereby repeated and incorporated herein by reference for the purpose of alleging forfeiture to the United States under Title 18, United States Code, Section 2253(a).

2. Upon conviction on any of Counts Four and Five hereof, the defendant MATTHEW DWYER shall forfeit to the United States any and all matter which contains visual depictions produced, transported, shipped, received or possessed in violation of Title 18, United States Code, Section 2252; any property constituting or derived from any proceeds the defendant obtained directly or indirectly as a result of the said violations; and any and all property used or intended to be used in any manner or part to commit and to promote the commission of the aforementioned violations, including the computer system and related items that were seized by law enforcement officials from his residence on March 19, 2003, including:

1. Premio computer containing Seagate hard drive (4.311 MB) model s34313A, serial number 6CR0FLGT;
2. Cryptware Data Storage Media.

All pursuant to Title 18, United States Code, Section 2253(a).

A TRUE BILL

R. Reynolds

FOREPERSON OF THE GRAND JURY

Dana (Saw)

Assistant United States Attorney

Mark S. Gitterman

Trial Attorney, Department of Justice

DISTRICT OF MASSACHUSETTS; September 8, 2004

Returned into the District Court by the Grand Jurors and filed.

Thomas F. O'Neill  
DEPUTY CLERK

10:55pm

Place of Offense:

City: No. 11 Investigating Agency: USPS

City Lawrence

## Related Case Information:

County Essex

Superseding Ind./ Inf.  Yes Case No. 04-10010-PBS  
 Same Defendant  Yes New Defendant \_\_\_\_\_  
 Magistrate Judge Case Number \_\_\_\_\_  
 Search Warrant Case Number 03-1648-CBS  
 R 20/R 40 from District of \_\_\_\_\_

## Defendant Information:

Defendant Name: Matthew Dwinells Juvenile  Yes  No

Alias Name: \_\_\_\_\_

Address: Last Known: 16 Irene Street, Lawrence, Massachusetts 01843Birth date: 5/5/61 SS#: 032-52-6373 Sex: m Race: caucasian Nationality: U.S.Defense Counsel if known: Syrie Fried Address: Federal Defender

Bar Number: \_\_\_\_\_

## U.S. Attorney Information:

AUSA Dena Sacco Bar Number if applicable: \_\_\_\_\_Interpreter:  Yes  No List language and/or dialect: \_\_\_\_\_Matter to be SEALED:  Yes  No Warrant Requested  Regular Process  In Custody

## Location Status:

Arrest Date: August 26, 2004 Already in Federal Custody as awaiting detention hearing in scheduled for 9/9/04. Already in State Custody \_\_\_\_\_  Serving Sentence  Awaiting Trial On Pretrial Release: Ordered by MJ Smartwood on February 5, 2004Charging Document:  Complaint  Information  IndictmentTotal # of Counts:  Petty         Misdemeanor         Felony        five

Continue on Page 2 for Entry of U.S.C. Citations

I hereby certify that the case numbers of any prior proceedings before a Magistrate Judge are accurately set forth above.

Date: September 8, 2004 Signature of AUSA: Dena Sacco

District Court Case Number (To be filled in by deputy)

**Name of Defendant** **Matthew Dwinells**

### U.S.C. Citations

<u>Index Key/Code</u>	<u>Description of Offense Charged</u>	<u>Count Numbers</u>
Set 1 <u>18 U.S.C. §2252(b)</u>	<u>Attempted Coercion and Enticement</u>	<u>1 - 3</u>
Set 2 <u>18 U.S.C. §2252(a)(2)</u>	<u>Receipt of Child Pornography</u>	<u>4</u>
Set 3 <u>18 U.S.C. §2252(a)(4)(B)</u>	<u>Possession of Child Pornography</u>	<u>5</u>
Set 4		
Set 5		
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Set 14		
Set 15		

**ADDITIONAL INFORMATION:**

District Court Case Number (To be filled in by deputy)

Name of Defendant Matthew Dwinells

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